

EXHIBIT A

LAW OFFICES of JAY M. LIPIS

SIX CABOT PLACE, UNIT 8
STOUGHTON, MASSACHUSETTS 02072

Jay M. Lipis*

Walter J. Hayes, Jr.
Daniel M. Hutton

Telephone (781) 341-4841
Facsimile (781) 341-1834

*Also admitted in New York

January 6, 2003

Michael T. Maloney, Commissioner
Massachusetts Department of Corrections
50 Maple Street, Suite 3
Milford, MA 01757-3698

RE: Notice of Massachusetts Tort Claim pursuant to G.L. c. 258, §4 on behalf of:

Client: Jason P. Files
Date of Incident: December 3, 2002
Place of Incident: Massachusetts Treatment Center, Bridgewater, MA

Dear Commissioner Maloney:

Please be advised that this office has been retained by the above-named individual with respect to his damages and serious personal injuries sustained as the result of an incident that occurred on December 3, 2002 at the Massachusetts Treatment Center ("Center") located in Bridgewater, Massachusetts. This notice of presentment letter is being sent in accordance with the provisions of Massachusetts General Laws Chapter 258, Section 4 and should be considered a liability letter.

My client was confined to the Center pursuant to a court order obtained in accordance with M.G.L. c. 123, §35. Mr. Files was assaulted and battered by a Sergeant Jackson. Sgt. Jackson had been harassing Mr. Files prior to the December 3, 2002 incident. Mr. Files filed a letter outlining those actions with Sgt. Barros of Internal Perimeter Security (IPS).

On the date in question, Sgt. Jackson used crude and disparaging remarks to my client and then proceeded to pull him off his bunk and began to strike him. As Mr. Files attempted to protect himself by passive means, specifically curling up protecting his head and body, Sgt. Jackson began to kick Mr. Files in the stomach repeatedly.

January 6, 2003

Commissioner Michael T. Maloney,

Department of Corrections

Massachusetts Tort Claims Act Presentment Letter (M.G.L. c. 258, §4)

Page 2

As this was occurring, another officer, Mr. Files believes it to be Sgt. Jackson's superior, arrived on the scene and proceeded to aid Sgt. Jackson's repeated batteries upon my client by handcuffing Mr. Files and striking him on his body. At that point Sgt. Jackson began to punch Mr. Files in the face. At some point during the beatings, Mr. Files lost consciousness.

When Mr. Files regained consciousness, he found himself in solitary confinement cell, still handcuffed. Also present was Sergeant Mosher. Sgt Mosher then began battering Mr. Files, including striking my client's head against the wall and by attempting to break his handcuffed wrists.

Mr. Files next recalls a nurse appearing in solitary to treat his injuries. When he told her what happened, she refused to treat him and left. Another nurse eventually came and treated the numerous injuries he sustained from the beatings by the correctional officers at the Center.

Pursuant to the provisions of Massachusetts General Laws Chapter 258, Section 4, Jason Files states he has suffered, as a result of the injuries caused by actions of the employees of the Massachusetts Treatment Center, including Sgt.s Jackson and Mosher, as well as those as yet unidentified, the negligent hiring and supervision of said individuals by the Massachusetts Treatment Center, damages in the amount of one hundred thousand dollars (\$100,000.00) per party, including each individual involved in the attacks and refusal to provide medical treatment, as well as the Massachusetts Treatment Center.

Additionally, we are also alleging the unprovoked and unwarranted serious bodily injury inflicted on Mr. Files by the above individuals violated my client's civil rights, in violation of M.G.L. c. 121, §111 and 42 U.S.C. § 1983.

I wish to make it clear that we are pursuing individual and separate claims under M.G.L. c. 258: one against each individual known or unknown at this time.

This is also a notice of presentment letter to the Massachusetts Department of Corrections and is being sent in accordance with the provisions of Massachusetts General Laws Chapter 258, Section 4 and should be considered a liability letter. The unwarranted and unprovoked injuries inflicted upon Mr. Files constitute violations of his civil rights by individuals in the employ of the Department and done under the color of law.

Demand is hereby made against the Massachusetts Department of Corrections in the amount of one hundred thousand dollars (\$100,000.00) for actions of its agents.

January 6, 2003

Commissioner Michael T. Maloney,

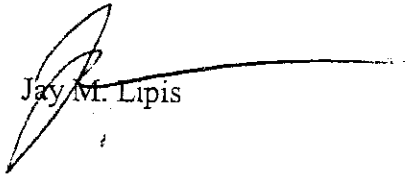
Department of Corrections

Massachusetts Tort Claims Act Presentment Letter (M.G.L. c. 258, §4)

Page 3

Would you kindly forward this letter to your legal counsel or representative for immediate attention. It is our intention to supply any information requested in order to give you the opportunity to settle this claim without resort to litigation.

Very truly yours,


Jay M. Lipis

JML/wjh

cc: Thomas F. Reilly, Esq., Attorney General for the Commonwealth of Massachusetts
CERTIFIED MAIL - RETURN RECEIPT REQUESTED
7001 2510 0004 3209 5296
Jason Files

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
7001 2510 0004 3209 5289

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael T. Maloney, Commissioner
 Mass. Department of Corrections
 50 Maple Street, Suite 3
 Milford, MA 01757-3698

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

☒ Agent
☐ Addressee

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7001 2510 0004 3209 5289

PS Form 3811, March 2001

Domestic Return Receipt

102595-07-M-1424

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas F. Reilly, Esq.
 Massachusetts Attorney General
 One Ashburton Place, 20th Floor
 Boston, MA 02108

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

☒ Agent
☐ Addressee

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7001 2510 0004 3209 5296

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424